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U.S. DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA
BY: ECL DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. **Armando PENAFLOR-Falcon,** Defendant	Magistrate Docket No. 08 MJ 2654
	COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **August 26, 2008** within the Southern District of California, defendant, **Armando PENAFLOR-Falcon,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **28th** DAY OF **AUGUST, 2008**

William McCurine Jr.
UNITED STATES MAGISTRATE JUDGE

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CONTINUATION OF COMPLAINT:
Armando PENAFLOR-Falcon

PROBABLE CAUSE STATEMENT

On August 26, 2008, Border Patrol Agent C. Kelly was performing assigned duties in the Campo, California area of responsibility. Agent Kelly responded to a citizen report of two possible undocumented aliens at the Pine Valley store in Pine Valley, California. This area is approximately 18 miles east of the Tecate, California port of entry and about 15 miles north of the United States/Mexico International border.

Agent Kelly arrived in the general location and found two individuals walking east of the Pine Valley store on Old Highway 80. Agent Kelly immediately identified himself as a United States Border Patrol Agent and questioned each subject one later identified as the defendant **Armando PENAFLOR-Falcon**, as to their citizenship and immigration status. Both subjects admitted to being citizens and nationals of Mexico without any immigration documents to enter or remain in the United States legally. At approximately 1:10 p.m., both subjects were arrested and transported to the Border Patrol Station in Campo, California for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **June 25, 2008** through **San Ysidro, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States.

James Trombley
Senior Patrol Agent

William McCurine Jr.
U.S. Magistrate Judge

8/28/08
Date